

Appl. No.: 09/600,786
Submission under 37 CFR 1.114
Attorney Docket: UCONAP/145/PC/US

REMARKS

No claims are being added. Claims 11 and 13 are being cancelled without prejudice to filing in a subsequent application. Claims 1, 10, 14-16, 18 and 21 are being amended. Upon entry of this amendment claims 1-10, 12 and 14-21 will be pending in the application.

MPEP at section 2173.05(h)(I) lists Markush groups as a form of alternative limitations. The MPEP at section 2173.05(i), pp. 2100-208 states, with bolding added: "Any negative limitation or exclusionary proviso must have basis in the original disclosure. **If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims.**"

The added provisos in claims 1, 10, 14 and 15 are allowable under the instruction of MPEP §2173.05(i) and do not enter new matter. The provisos are also supported by the court decisions that have allowed an applicant to claim a narrowed species within an originally claimed genus. See In re Wertheim, 191 USPQ 90, 97 (CCPA 1976).

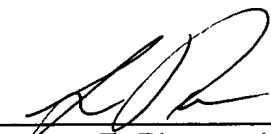
It is believed the application now stands in condition for allowance, and prompt favorable action thereon is respectfully solicited.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of this application.

Respectfully submitted,

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